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DATE: **May 27, 2011**   COVER SHEET & **6** PAGES

CLIENT NUMBER: **32052.9567.US00**

RETURN TO: (Name) **Samuel M. Giustini**   (EXT.) **6231**   (ROOM No.) **4259**

SENDER:	TELEPHONE:	FACSIMILE:
Anthony J. Johnson	(206) 359-6230	

RECIPIENT:	COMPANY:	TELEPHONE:	FACSIMILE:
Examiner: R. M. Henry	USPTO		(571) 270-6102

Applicant Initiated Interview Request Form and Proposed Amendments
Application No.: 10/748,118

PTOL-413A (08-10)
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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Applicant Initiated Interview Request Form

Application No.: __10/748,118-Conf. #1747__   First Named Applicant: _____Michael D. O'Shea_____
Examiner: __R. M. Henry__   Art Unit: __3622__   Status of Application: _____Published_____

Tentative Participants:

(1) Examiner: R. M. Henry   (2) Rajiv Sarathy

(3) Anthony Johnson   (4) _____

Proposed Date of Interview: __May 31, 2011__   Proposed Time: __4:00PM__ (EST)

Type of Interview Requested:

(1) [X] Telephonic   (2) [ ] Personal   (3) [ ] Video Conference

Exhibit To Be Shown or Demonstrated: [ ] YES   [X] NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1)_____	_____	_____	[ ]	[ ]	[ ]
(2)_____	_____	_____	[ ]	[ ]	[ ]
(3)_____	_____	_____	[ ]	[ ]	[ ]
(4)_____	_____	_____	[ ]	[ ]	[ ]

[ ] Continuation Sheet Attached   [x] Proposed Amendment or Arguments Attached

Brief Description of Arguments to be Presented: _____

An interview was conducted on the above-identified application on _____

NOTE: This form should be completed and filed by applicant in advance of the interview (see MPEP § 713.01). If this form is signed by a registered practitioner not of record, the Office will accept this as an indication that he or she is authorized to conduct an interview on behalf of the principal (37 CFR 1.32(a)(3)) pursuant to 37 CFR 1.34. This is not a power of attorney to any above named practitioner. See the Instruction Sheet for this form, which is incorporated by reference. By signing this form, applicant or practitioner is certifying that he or she has read the Instruction Sheet. After the interview is conducted, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible. This application will not be delayed from issue because of applicant's failure to submit a written record of this interview.

_____   _____
Applicant/Applicant's Representative Signature   Examiner/SPE Signature

_____Rajiv P. Sarathy_____
Typed/Printed Name of Applicant or Representative

_____55,592_____
Registration Number, if applicable

PROPOSED AMENDMENTS

1.   (Currently Amended) An electronic rebate system configured for processing a manufacturer's rebate that is provided to a purchaser of a product, said system comprising:

at least one electronic tag device associated with products made available for purchase, wherein each distinct product has at least one electronic tag physically connected thereto, and wherein said electronic tag stores product-identification-information;

at least one electronic reading device configured to retrieve information from said electronic tag;

a first computer in communication with said electronic reading device configured to retrieve said product-identification-information stored in the electronic tag associated with a product being purchased by a customer at a point of sale and for which a manufacturer's rebate applies solely as a result of purchase of the product;

said first computer further configured to use said product-identification-information to acquire rebate-claim-information so that the customer may receive the manufacturer's rebate;

said first computer further configured to communicate with a second computer and to transfer to said second computer said rebate-claim-information and wherein said transfer occurs substantially contemporaneously with the purchase; and

wherein said second computer is configured to process and validate a rebate claim with said rebate-claim-information, and transfer rebate-claim-status information to said first computer,

wherein said first computer is further configured to,

responsive to receiving, from the second computer, rebate-claim-status information indicating that the rebate claim has been approved, display a rebate approved message at the point of sale, and

responsive to receiving, from the second computer, rebate-claim-status information indicating that the rebate claim has been denied, display a rebate denial message at the point of sale ~~communicate said rebate-claim-status information to the customer, wherein said rebate-claim-status-information is one-of-real-time-information-or near real-time-information.~~

27.   (Currently Amended)   A method performed by a computing system having a processor for electronically making a claim for a manufacturer's rebate that is provided by a manufacturer upon purchase of a product, said method comprising:

receiving from an electronic reading device product-information stored in an electronic tag physically connected with a purchased product at a point of sale of the product, the product-information indicating product-identification-information;

acquiring rebate-claim-information for making a claim for the manufacturer's rebate available to a customer solely for purchase of the product using at least part of said product-identification-information, wherein said manufacturer's rebate is a real-time manufacturer's rebate offer or a near real-time manufacturer's rebate offer;

initiating a data transfer of said rebate-claim-information to a second computer;

receiving rebate-claim-status information from said second computer after said second computer has processed and validated the ~~rebate-~~claim with said rebate-claim-information, wherein said rebate-claim-status information is one of real-time information or near real-time information; and

communicating said rebate-claim-status information at the point of sale.

68.   (Currently Amended)   A method performed by a computer system having a processor, comprising:

determining by the computer system that a consumer is interested in a product;

transmitting to a second computer associated with a representative of a manufacturer of the product an identification of the product;

receiving from the second computer a first rebate for the product;

transmitting to a third computer information indicative of the product, a first price for the product wherein the first price accounts for the first rebate, and a second price wherein the second price is a price for a competitor's product, wherein the third computer is associated with a representative of a manufacturer of a competitive product;

receiving from the third computer a second rebate for the competitor's product;

transferring to the third computer rebate-claim-information wherein the transfer occurs substantially contemporaneously with a purchase of the competitor's product and the third computer is configured to process and validate a rebate claim with the rebate-claim-information, and transfer rebate-claim-status information to the computer system, and

communicating the rebate-claim-status information to the consumer, wherein the rebate-claim-status information is one of real-time information or near real-time information.

REMARKS

Claim 27 recites "communicating said rebate-claim-status information at the point of sale." The Office Action relies on Postrel at ¶ [0067] as disclosing this feature. (Office Action, April 21, 2011, Page 12.) The instant application was filed on December 30, 2003. Postrel was filed on April 28, 2004 and is a continuation-in-part of U.S. Patent Application No. 10/608,736, filed on June 27, 2003, now U.S. Patent No. 6,820,061, which itself is a continuation of U.S. Patent Application No. 09/602,222, filed on June 23, 2000, now U.S. Patent No. 6,594,640. Applicants are unable to find support for ¶ [0067] of Postrel in U.S. Patent Application No. 09/602,222 or U.S. Patent Application No. 10/608,736. Thus, unless the Office is able to establish that the pertinent passages from Postrel find support in an earlier application, the earliest priority date attributable to ¶ [0067] of Postrel is April 28, 2004.

Claim 1 now recites "wherein said first computer is further configured to, responsive to receiving, from the second computer, rebate-claim-status information indicating that the rebate claim has been approved, display a rebate approved message at the point of sale, and responsive to receiving, from the second computer, rebate-claim-status information indicating that the rebate claim has been denied, display a rebate denial message at the point of sale." The Office Action relies on Quinlan at ¶ [0016], Figure 3, and Figure 6 as disclosing "communicat[ing] said rebate-claim-status information to the customer." (Office Action, April 21, 2011, Page 4.) These portions of Quinlan describe and illustrate systems and techniques for "processing one or more product marketing rebate claims submitted by a consumer in satisfaction of one or more rebate offers." (Quinlan, ¶ [0016] and Figure 3.) Quinlan's "rebate processing method comprises providing a designated site connected to a global computer information network and accessible by the consumer." (Quinlan, ¶ [0016].) "The designated site may be accessible to the consumer by a computer...or via a telephone." (Quinlan, ¶ [0016].) In some cases, Quinlan's system may credit a consumer's "designated card" after "validat[ing] [a] rebate claim." (Quinlan, Figure 6.) Quinlan, however, provides no

indication that a "rebate approved message" or a "rebate denial message" is displayed "at the point of sale," as claim 1 now recites.

Claim 68 recites "transmitting to a third computer information indicative of the product" and "receiving from the third computer a second rebate for the competitor's product." The Office Action relies on Banerjee at ¶ [0007], ¶ [0023], and Figures 1, 3, and 4 as disclosing these features. (Office Action, April 21, 2011, Page 25.) Applicants respectfully disagree that the relied-upon portions of Banerjee describe these features. The relied-upon portions of Banerjee describe a technique for "resetting the value of a coupon" in response to receiving a "request for valuation of a coupon." (Banerjee, ¶ [0007].) The coupon value may be derived from a "market demand value...determined" based on "retailer inventory, competitor pricing, current and anticipated competitor inventory, competitor advertising spending, cyclical buying trends, and economic indicators." (Banerjee, ¶ [0007].) In determining the market demand value, Banerjee also describes assessing a "discount coupon value for [a] comparable product from the second closest competitor." (Banerjee, ¶ [0023].) However, Banerjee does not transmit any rebate for the "comparable product." Rather, Banerjee simply uses information pertaining to the comparable product (e.g., "pricing" and "coupon value") to determine a value for a coupon associated with another product. Thus, Quinlan neither describes nor suggests "transmitting to a third computer information indicative of the product" and "receiving from the third computer a second rebate for the competitor's product," as claim 68 recites.